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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,934	08/21/2003	Kaneyoshi Kato	2444 US2P	8254

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TAKEDA PHARMACEUTICALS NORTH AMERICA, INC
INTELLECTUAL PROPERTY DEPARTMENT
475 HALF DAY ROAD
SUITE 500
LINCOLNSHIRE, IL 60069

EXAMINER

O SULLIVAN, PETER G

ART UNIT	PAPER NUMBER
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1621

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,934

Applicant(s)

KATO ET AL.

Examiner

Peter G. O'Sullivan

Art Unit

1621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 30,35 and 38 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8,13-25,29,31-34,36,37 and 39 is/are allowed.
- 6) ☒ Claim(s) 9-12 and 26-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 1621

Claims 1-39 are pending in this application which should be reviewed for errors. In response to the requirement for restriction, applicants elected group IV with traverse, requesting claim 36 be examined therewith. Claims 1-29, 31-34, 36, 37 and 39 have been examined to the extent they embrace the subject matter of group IV. All compounds and processes of said claims have been examined even though an election of species was required because said species was found to be allowable. Claims 30, 35 and 38 and compounds and processes not embraced by group IV are held withdrawn from consideration as drawn to non-elected subject matter.

Applicants are requested to amend the claims to embrace only the scope of group IV in response to this office action and to cancel non-elected claims.

Claims 9-12 and 26-28 are rejected under 35 U.S.C. 112, fourth paragraph, as failing to further limit the claims from which they depend. These claims claim X as - $(CH_2)_p-X^1$ -, or X' as $-CH_2-O-$ or $-CH_2-NR^{8'}$ -. This subject matter was deleted from applicants' claim 1.

Claims 1-8, 13-25, 29, 31-34, 36, 37 and 39 are allowable insofar as they embrace the subject matter of group IV of the restriction requirement. Romero et al., U.S. 6,103,766, is cited as state of the art only.

Any inquiry concerning this communication should be directed to Peter G. O'Sullivan at telephone number (571) 272-0642.



PETER O'SULLIVAN
PRIMARY EXAMINER
GROUP 1200